United Nations A/AC.109/2009/4

General Assembly

Distr.: General
19 February 2009

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

American Samoa

Working paper prepared by the Secretariat

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I. General

1. American Samoa is a Non-Self-Governing Territory administered by the United States of America under the Department of the Interior, which has a representative resident on the ground.[1] The Territory is located in the South Pacific approximately 3,700 kilometres south-west of Hawaii and 4,350 kilometres north-east of Australia. It consists of seven islands, namely Tutuila, Aunuu, Ofu, Olosega and Ta'u (known as the Manu'a Islands) and Swains and Rose (two coral atolls), as well as several lesser islands. The total land area is approximately 200 square kilometres, about 70 per cent of which is covered by dense forest. Tutuila, the largest island, is where the capital, Pago Pago, and one of the deepest harbours of the South Pacific are located. Tutuila Island constitutes 70 per cent of the Territory's total land area and is home to nearly 100 per cent of the population.

2. For 2008, the population of American Samoa was estimated to be between approximately 64,800 and 69,000, depending on the source, with a median age of 22.8 and an estimated sex ratio of 1.06 males per female.[2] Approximately 40 per cent of the population was under the age of 15.[3] The urban population made up about 50 per cent of the total population and the estimated net migration rate amounted to approximately -5.4 per thousand of the population.[4] Approximately 91,000 American Samoans live outside the Territory in the United States of Alaska and Hawaii and in the continental United States.[5]

3. Ethnically, the population is about 90 per cent Samoan/Polynesian. Congregationalist Protestant denominations represent the religion practised by 80 per cent of the people, and some 20 per cent are Roman Catholic. Most American Samoans are bilingual, speaking the native Polynesian tongue and English.

II. Constitutional, legal and political issues

4. It is generally believed that the Samoan archipelago was settled some 3,000 years ago by people migrating into the Pacific from South-East Asia. The Dutch were the first Europeans to find these islands, in 1722. Some settlers came to the islands in the early 1800s, followed by missionaries in 1830. By the late 1800s, internal strife among the chiefs and struggles among the colonial Powers of

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Note: The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 e of the Charter of the United Nations.

[1] Secretary's Order 2657 of 29 August 1951 and Secretary's Order 3009, as amended, of 3 November 1977, set forth the extent and nature of the authority of the Government of American Samoa and the manner in which the authority is to be exercised, available from the Electronic Library of Interior Policies, United States Department of the Interior (http://elips.doi.gov/elips/release/3421.html.

[2] Information provided by the administering Power, 9 January 2009; and United States Central Intelligence Agency, accessed at http://www.cia.gov on 18 December 2008.

[3] *Samoa News*, 5 September 2008.

[4] Secretariat of the Pacific Community "Our 2008 populations and demographic indicators" (29 May 2008).

[5] Information provided by the administering Power, 9 January 2009.

Germany, Great Britain and the United States led to a period of instability. Deeds ceding these islands to the United States from the early 1900s were accepted by an Act of Congress on 20 February 1929. Pursuant to that Act, American Samoans were given the status of American nationals. The Act provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States. As the American interest in the area had been mainly military, the Territory was placed under the jurisdiction of the United States Navy. On 29 June 1951, Executive Order 10264 of the United States President transferred administrative responsibility for the Territory to the Department of the Interior.

5. American Samoa is an "unincorporated and unorganized" Territory under United States law. Not all provisions of the United States Constitution or of United States law apply. Residents of American Samoa are not United States citizens. They are United States nationals who can freely enter the United States and work or reside anywhere they choose. Children born in the Territory to foreign parents become citizens of either the mother's or the father's country of origin, not United States nationals. American Samoans may not vote in general elections in the United States, but are permitted to participate in presidential primaries and caucuses.

6. The Constitution of American Samoa, adopted in 1960, was revised in 1967 and subsequently amended in 1970 and 1977. Any amendments or modifications to the Constitution of American Samoa (as approved by the Secretary of the Interior) may be made only by an Act of the United States Congress. In 2008, a referendum that would have revised an aspect of the Constitution was narrowly defeated (see para. 13).

7. The Territory's Constitution provides for separate executive and legislative branches and an independent judiciary. The executive branch comprises a Governor and a Lieutenant-Governor elected for four-year terms by universal adult suffrage. All American Samoans over 18 years of age are eligible to vote. The Governor is responsible for executing both American Samoan and United States laws and has veto power with respect to legislation passed by the Fono, the American Samoa Legislature.

8. In November 2008, Governor Togiola T. A. Tulafano was re-elected, as was Lieutenant-Governor Faoa Ipulasi A. Sunia. These terms of office will expire in November 2012, when the next elections are due to be held. As previously reported, in September 2007 Lieutenant-Governor Sunia was taken into custody by the United States Federal Bureau of Investigation and later released, in connection with contracts related to the Territory's Department of Education. Pending conclusive legal action, Mr. Sunia, who as previously reported entered a "not guilty" plea in federal court in Washington, D.C., continues to serve as Lieutenant-Governor.

9. The Fono is a bicameral legislature, comprised of an 18-member Senate, whose members are chosen by 14 tribal councils, and a 21-member House of Representatives, 20 of whom are elected by popular vote and one of whom is appointed as a non-voting delegate from Swains Island. Only a "matai", the traditional chief of an extended family, or "aiga", can become a senator. Senators hold office for a four-year term and representatives for a two-year term. The Fono may pass laws with respect to all local affairs, provided they are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

10. Since 1981, American Samoa has elected by direct vote a delegate to the United States House of Representatives for a two-year term. The delegate may vote in committees and on the floor. In November 2008, the delegate, Congressman Eni F. H. Faleomavaega, was re-elected for an eleventh consecutive two-year term.[5]

11. The judiciary system consists of the High Court, for which the Chief Justice and the Associate Justices are appointed by the United States Secretary of the Interior, and the local district and village courts, for which the judges are appointed by the Governor. The High Court is separated into Appellate, Trial, Land and Titles, and Family, Drug and Alcohol divisions.[5] The High Court has limited federal jurisdiction for certain issues, such as food safety, protection of animals, conservation, shipping issues and specific areas of maritime law.[6] Other matters of federal law arising in American Samoa are adjudicated in the United States district courts, mainly the federal courts in Hawaii and Washington, D.C.[7] Since American Samoa is not part of a United States federal judicial district or circuit, there are no statutory provisions for appealing decisions of the High Court to a federal district court. In its report of 27 June 2008, the United States federal Government Accountability Office found that there was "some legal uncertainty" about the current ability of federal judges to issue search warrants for property in American Samoa because it was outside of a federal judicial court.[6] American Samoan laws are textually identical to United States laws ("mirror laws"), where all references to the United States are substituted by references to American Samoa.

12. As previously reported, the Future Political Status Study Commission was established in 2006 under the Territory's Public Law 29-6, amended by Public Law 29-24 and Public Law 29-25. The Commission's final report, written in both English and Samoan, was submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the High Court on 31 December 2006. Copies of the final report were made available to the public in January 2007, including on the website of the territorial Government (http://www.americansamoa.gov). The ultimate decision on status is to be made by the people of American Samoa. Additional information on the report can be found in the working paper on American Samoa presented to the Committee in 2008 (A/AC.109/2008/3).

13. At the request of Fono leaders, a referendum was placed on the ballot for the elections held on 4 November 2008. The following question was posed to the voters of the Territory: "Should article II, section 9, of the Revised Constitution of American Samoa be revised to give the Fono, rather than the Secretary of the Interior, the power to override the Governor's veto?" The referendum was narrowly defeated, with 6,159 people voting against and 6,137 voting in favour.[5]

14. A paper provided by the Chairman of the Future Political Status Study Commission, Li'amatua Tufele, to the Pacific regional seminar convened under the auspices of the Special Committee in Bandung, Indonesia, from 14 to 16 May 2008, underlined that it was obvious from the Commission's main recommendation that the status quo per se was no longer sufficient to satisfactorily accommodate the demands of a more progressive society. At the same time, the Commission reaffirmed the basic concern of the people relative to the protection and preservation

[6] United States Government Accountability Office, "American Samoa: issues associated with potential changes to the current system for adjudicating matters of federal law" (June 2008).

[7] *Samoa News*, 30 June 2008.

of the Territory's land tenure system. Further, the Chairman stated that there was no question that American Samoa met the General Assembly's most important decolonization criteria, namely the acceptance of any political status by the majority of a Territory's people. In that connection, the paper stated that it might be necessary for the Special Committee to recommend to the Assembly to provide a new definition that would recognize as decolonized special cases like American Samoa.[8]

15. In his inaugural address on 9 January 2009, the re-elected Governor stated that in the area of governance, the next four years would be very important. The Territory had on hand the report and recommendations of the Future Political Status Study Commission, which would be laid before a constitutional convention later in the year.

III. Budget

16. As previously reported, the budget of the Government of American Samoa consists of federal support and locally generated revenue. In the Territory's traditional communal system, leaders are responsible for the preservation of the social order as well as the economic welfare of the extended family. As previously reported, American Samoa continues to be the only United States Territory that receives grants-in-aid, amounting to about $23 million per year, from the Department of the Interior for Government operations.

17. The budget of the territorial Government for the fiscal year 2009, which started on 1 October 2008, is approximately $340.9 million, as approved by the Fono.[5] In his State of the Territory address on 12 January 2009, the Governor said that the territorial Government predicted that the Territory had finished the 2008 fiscal year with a positive balance.

18. The independent firm responsible for auditing the financial accounts of the Government of American Samoa has offered a "qualified" opinion for fiscal year 2007 based on financial statements provided by the territorial Government. The auditors found that the system of financial accounting and reporting in operation for the Government for financial year 2007 "was inadequate" and they were "unable to satisfy" themselves with regard to the accuracy of physical inventory records; the balance of immigration bond deposits received and recorded; the accuracy of the beginning fund balances; and the amount due to or from other funds (pooled cash). For its part, the territorial Government reportedly has created a single audit committee to take action on the audit findings.[9]

[8] See http://www.un.org/Depts/dpi/decolonization.

[9] *Samoa News*, 27 and 29 January 2009.

IV. Economic conditions

A. General

19. American Samoa's gross domestic product (GDP) for the mid-2000s was estimated at between approximately $333.8 million[10] and $558.8 million,[11] with a per capita GDP of between $5,800[9] and $9,040,[12] depending on the source of the information. On 11 June 2008, the territorial Government asked for American Samoa to be included in all federal periodic survey services that issue information on a monthly basis, with the aim of ensuring accurate and up-to-date statistics about the Territory.[12] According to the Governor, American Samoa has tended to be overlooked in previous difficult economic times, in part because neither the Bureau of Labor Statistics of the United States Department of Labor nor the United States Census Bureau collects timely data on the territory.[13] In connection with a minimum wage impact review mandated in February 2009, the United States Congress tasked the United States Department of Labor to report on the Territory in its household surveys and establishment surveys; the Bureau of Economic Analysis of the United States Department of Commerce to report on the Territory's GDP data; and the United States Census Bureau to report on its population estimates and demographic profiles from the American Community Survey, with the same regularity and to the same extent as those entities collect and report data for the 50 States.[14]

20. According to the Governor in his state of the Territory address on 12 January 2009, American Samoa's economy remained relatively stable in 2008, but has suffered from the global economic slowdown, weak per capita domestic gross production and a low per capita income. Annual inflation at the end of 2008 was estimated at 12.2 per cent. Housing costs had gone up during the year by 17 per cent, with electricity, liquid petroleum gas, electrical appliances and household goods contributing to the increase in those costs, while the price of food went up by about 25 per cent.[15]

21. In 2008, the Governor's Economic Advisory Council began to serve as a mechanism for private sector input on economic development policies. In June 2008, the Council submitted two draft reports on economic development and policy reforms to Government officials for review and comment, for incorporation into the final reports. A third report recommending privatization of several Government departments and agencies is expected to be completed in 2009.[5]

22. As previously reported, American Samoa's economy continues to be maintained by United States federal expenditures and the canning industry. Tuna fishing and processing are the backbone of the private sector. Approximately 7 per cent of the economy comprises a small tourist sector industry and a few businesses that sell exclusively to the local market.

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[10] United States Central Intelligence Agency, http://www.cia.gov, 22 January 2009.
[11] United States Department of the Interior, Office of Insular Affairs, 1 March 2006.
[12] American Samoa, Office of the Governor, press release, 22 February 2008.
[13] *Samoa News*, 21 December 2008.
[14] Ibid., 12 February 2009.
[15] Ibid., 2 February 2009.

23. American Samoa's largest trading partner is the United States, followed by New Zealand, Australia and Fiji, as well as Indonesia and India.[16] Canned tuna accounts for almost 100 per cent of exports. American Samoa imports some 90 per cent of goods and products, including food and petroleum products, machine parts, building materials, textiles and clothing.

B. Agriculture and fisheries

24. According to media reports, 88 per cent of all farms in the Territory operate on a subsistence basis.[17] Prospects for agricultural development continue to be limited owing to the small amount of level land suitable for cultivation.

25. Farmers in American Samoa benefit from assistance provided by the Natural Resources Conservation Service of the United States Department of Agriculture and its Environmental Quality Incentives Program.[18] In addition, the Economic Development Administration of the United States Department of Commerce provided a $2.1 million grant for a new marketplace facility, called the Pago Pago commercial center, in Fagatogo, which was inaugurated in July 2008. The marketplace is expected to support the local marine, agriculture and tourism industries.[19]

26. The fishing industry constitutes some 80 per cent of the Territory's private sector economy.[20] In June 2008, the Governor's Economic Advisory Council found, as reflected in its first report, that high processing costs, due to high federal wages, operating standards and tax issues, were the main obstacle impeding the development of canneries.[21] Under the Temporary Tax Relief Act of 2007, the United States Congress provided a one-year extension of the Internal Revenue Service's section 30A tax credits for American Samoa's canneries. In October 2008, an additional two-year extension of the same tax credits was included in the Emergency Economic Stabilization Act of 2008.[5]

C. Tourism

27. American Samoa successfully hosted the 2008 Festival of Pacific Arts from 20 July to 2 August 2008. To assist American Samoa in its efforts, the United States Office of Insular Affairs provided a grant of $339,000. The funds were used for personnel, travel, marketing and promotion. Over 2,000 Pacific islanders and tourists attended the festivities.[5]

28. In 2008, 10 cruise ships with more than 16,000 passengers and crew visited American Samoa, increasing short-term seasonal employment and opportunities for sales of local arts and handicrafts. As previously reported, land-based tourism

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[16] *The New York Times*, 5 February 2009.

[17] *Samoa News*, 13 June 2008.

[18] Ibid., 11 October 2008.

[19] Ibid., 30 July 2008.

[20] United States Department of the Interior, Office of Insular Affairs, budget justification for financial year 2009, accessed at http://www.doi.gov/oia/budget.

[21] *Pacific Magazine*, 30 July 2008.

remains limited. American Samoa has several hotels and motels with a total of 260 rooms in Tutuila and Manu'a.[5]

29. On 25 April 2008, the Governor signed into law a bill establishing the American Samoa Visitor's Bureau, a semi-autonomous Government agency. The Bureau replaced the Government-operated Office of Tourism. A seven-member board to be appointed by the Governor is responsible for hiring an Executive Director for the Bureau and for reviewing general operations, policies and procedures.[5]

30. In this context, the Economic Advisory Council recommended that the Visitor's Bureau should coordinate with the private sector on tourism initiatives, identify conventions and sporting events that could be held in American Samoa and promote the cleaning of streams and of the Pago Pago harbour.[22]

D. Communications and transport

31. As previously reported, the budget for capital improvement projects of the United States Office of Insular Affairs for fiscal years 2008 and 2009 includes a total of $6 million for the Territory to assist in the connection of a fibre-optic cable to American Samoa. The project is expected to be completed in 2009.[5] The submarine fibre-optic cable project is considered to be the Territory's most significant economic development project of the past several decades and is expected to provide faster and better Internet connection, voice capability and high-volume data transfers in various areas such as telemedicine and remote distance learning.[23]

32. As previously reported, there are approximately 180 kilometres of public and primary paved roads and 235 kilometres of secondary village roads in American Samoa. The highway system is generally in poor condition owing to the effects of hurricanes, the age of the roads and inadequate maintenance. For instance, in 2008, attention was drawn to the poor road conditions in the Fagaima and Ottoville areas, which had suffered from substantial rainfall, causing continuous flooding and deterioration of the roads.[24] According to the administering Power, various infrastructure projects were under way during 2008, including the resurfacing of the Avau-airport junction; the Vatia shoreline protection project, the Aoa, Iliili, Masefau, Taputimu, Fagatogo-Pago Pago and Aua-Afono-Fagaitua roadworks, as well as the Fagasa landslide restoration and drainage projects and the Bay Area road project.[5]

33. Pago Pago harbour is an all-weather deep-draught harbour, one of the best natural deep-water harbours in the South Pacific Ocean, and is of strategic importance in the region. The main dock is 1,000 feet long, handling ships of up to a 32-foot draught. Pago Pago harbour provides the full complement of equipment and facilities and has a ship repair facility with a 3,000-ton marine railway.

34. There are four airports in the Territory, situated on the islands of Tutuila, Ofu, Olosega and Ta'u. Pago Pago International Airport is owned and operated by the

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[22] American Samoa, Economic Advisory Council, "A focused collaborative approach to economic development" (June 2008), accessed at http://americansamoa.gov/fcaed.pdf.

[23] American Samoa, Government weekly newsletter, 28 May 2008.

[24] *Samoa News*, 11 June 2008.

territorial Government. The Territory's main airport is regularly served by a number of airlines that link American Samoa with Hawaii and the United States mainland and other countries in the South Pacific. Within the Territory, Inter-Island Airways flies regularly to the islands of Ofu, Olosega and Ta'u. In July 2008, a private company began providing passenger and cargo services between the Territory and Samoa with an average of three flights a week.

35. The Territory has four radio stations; a Government-owned and a privately owned television station, three privately owned newspapers and a private company offering telecommunications services. Internet access is provided by the American Samoa Telecommunications Authority, a semi-autonomous Government agency.

E. Water, sanitation system and utilities

36. The American Samoa Power Authority, which is Government-owned, provides water, wastewater, solid-waste and electric services to customers on five of the seven islands. The Authority provides drinking water to 90 per cent of the Territory from wells, with the remaining part being serviced by outer-village systems. According to the administrating Power, the Power Authority continued to provide reliable and cost-effective utility services for the Territory.[5] The Authority has been awarded a grant of $1.4 million from the United States Environmental Protection Agency to connect the outlying villages of Fagali'i, Malota and Fagamalo to the public water system. The project will enable the Authority to supply potable water to the western-most villages, which have not yet met the standards of the United States Safe Drinking Water Act. With the completion of this federally funded project, all of Tutuila will be served with potable water supplied by the Authority.[25]

37. In October 2008, the Department of the Interior awarded the Power Authority a technical assistance grant of $250,000 to fund a waste composition study at its Futiga landfill, a vital component of the Authority's plans to establish, among other things, an energy-from-waste facility.[26] Moreover, earlier in the year, American Samoa embarked on a relationship with a private energy solutions company and the University of Hawaii Pacific Business Center Program, to pursue alternative energy, renewable energy, sustainable practices and environmentally friendly technologies, methods and practices that can be applied and implemented in American Samoa with a view to reducing dependence on carbon-based fuels.[23]

V. Social conditions

A. General

38. Long before the 1700s, when the Western world first came to know of the Samoan Islands, their inhabitants practised a way of life that had been handed down through the generations for more than 2,000 years. Known as "fa'asamoa", the Samoan way of life is based on the notion of mutual respect and sharing among the "aiga" or extended families, each featuring a common allegiance to a matai, and influences every aspect of the Territory's socio-economic fabric. As mentioned in

[25] Radio New Zealand International, 28 December 2008.

[26] *Samoa News*, 21 October 2008.

section III of the present working paper, the traditional communal system prevalent in American Samoa is considered to contribute to preserving the Territory's social cohesion and promoting economic welfare. At times a matai succession is challenged, involving the Lands and Titles Division of the High Court, as was the case in 2008, involving families on Aunuu.[27]

39. In 2008, the Territory's legislature was working on further strengthening the use of the Samoan language for classroom instruction in public schools, in tandem with English.[28]

B. Labour and immigration

40. Statistics presented in the 2005 American Samoa household income and expenditure final narrative report, submitted to the Department of the Interior on 29 December 2008, stated that about 23,650 persons 16 years of age and over were in the labour force. A total of 21,290 were employed, with about one third of them aliens, including from Samoa. Around 2,360 were unemployed, bringing the unemployment rate to 10 per cent.

41. Previously, minimum wages in the Territory were set every two years by the recommendation of the Special Industry Committee, appointed by the United States Department of Labor. On 25 May 2007, the United States President signed into law a provision that raised the American Samoa minimum wage by 50 cents for all industry classifications (Public Law 110-28), with an automatic increase, or escalator clauses, of 50 cents per hour every year until 2014. The first increase was implemented when the law took effect on 24 July 2007. A second increase took effect in May 2008. Hourly wages for Government employees are $3.91; fisheries $4.26; shipping and transportation $5.09; retail and wholesaling, and warehousing $4.10; and tourism and travel services $4.48.[5]

42. Public Law 110-28 also called for the United States Department of Labor to complete, not later than 25 January 2008, a study of the likely impact of the wage increases on the Territory. As previously reported, upon the release of the study in January 2008, Congressman Faleomavaega and local leaders stated that the Department's report clearly showed that automatic increases would be harmful to the economy of American Samoa. Throughout 2008, including at congressional hearings held by the United States House of Representatives Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans and Wildlife, in February 2008, concerns were expressed regarding increased labour costs and the continued minimum wage escalator clause and the impact it had already had and is expected to have on the business community if additional increases were not suspended.[5] In February 2009, the United States Congress mandated the Government Accountability Office to report on the impact of past and future minimum wage increases.[29]

43. As previously reported, the Office of Insular Affairs awarded to the Government of American Samoa a grant to conduct a labour pool survey. The report, completed in June 2008, found that at prevailing wage rates, a new venture in the

[27] Ibid., 3 July and 29 August 2008.

[28] Ibid., 23 August; and *Samoa Observer*, 7 October 2008.

[29] *Samoa News*, 12 and 19 February 2009.

knowledge industry, such as a call centre operation, could find from between 1,500 to approximately 2,000 qualified available workers that currently reside in the Territory.[30]

44. American Samoa has its own immigration laws and entry conditions into the Territory by foreigners are not the same as those applicable for the United States. In 2003, a new Immigration Law of American Samoa came into force, giving the Attorney General, instead of a Government-appointed board, full authority over granting eligibility. That change allowed many individuals who had resided in the Territory for a long period to acquire permanent resident status (see A/AC.109/2007/15).

C. Education

45. Education in American Samoa is compulsory from 6 to 18 years of age. The educational system is broadly based on that of the United States. As previously reported, there are approximately 200 schools in the Territory. American Samoa's Department of Education provides elementary, secondary, vocational, special education and early childhood education services. According to reports in the media, during 2008 the Department had 472 teaching personnel in elementary education, 191 teaching personnel in secondary education, 18 teaching personnel in vocational education, 202 teachers in special education, and 118 teaching personnel in early childhood education.[31]

46. The American Samoa Community College offers two-year degree courses in arts and sciences and certificate programmes of proficiency in vocational and clerical skills, business and nursing. It affords enrolled students scholarship and financial aid opportunities. San Diego State University offers bachelor and master degree programmes in Tutuila, which enable students to obtain an advanced college degree without moving from the Territory. American Samoa has a literacy rate of approximately 97 per cent.

47. According to the territorial Government, the American Samoa Community College has been awarded a $300,000 grant for a one-year period from the College Access Challenge Grant Program under the United States Department of Education. The grant will offer student loan repayment for borrowers employed in high-need professions such as teachers and nurses.[32]

48. As previously reported, on 14 January 2008 the territorial Government announced that it was sending to the Fono a proposal for a teacher reclassification bill. The Government expressed its hope and intent that teachers in the Territory would be paid fair value for the service they provided. On 9 June 2008, the Governor signed the Teacher Reclassification Bill, which raised salaries for public schoolteachers. The law went into effect in July 2008 and benefited about 400 public schoolteachers with their first pay rise in more than a decade.[33]

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[30] *Pacific Magazine*, 18 March 2008.

[31] *Samoa News*, 6 February 2009.

[32] American Samoa, Government weekly newsletter, 21 January 2009.

[33] American Samoa, Office of the Governor press release 5 June 2008; *Honolulu Advertiser*, 10 June 2008; and Radio New Zealand International, 23 July 2008.

D. Public health

49. The 2008 estimate for life expectancy in the Territory was approximately 76 years, 73 for males and 80 for females. Per 1,000 of the population, the annual birth rate was estimated at approximately 21, and the annual death rate at approximately 3. As previously reported, the fertility rate was estimated at three children per woman.

50. 2008 saw an outbreak of dengue fever in American Samoa, with a recorded number of 667 cases. While there were only 11 cases recorded between January and June, a peak was reached in November, when 224 cases were recorded. A total of 96 cases were confirmed in December, while at the end of January 2009, the number of confirmed dengue cases stood at 80, representing a continuing downward trend. Health officials expect this decline to continue as the territorial Government pursues the dengue fever prevention and eradication campaign launched in December and with people now successfully treating themselves at home.[34]

51. According to reports in the media, during 2007 over 6,779 low-income pregnant, breastfeeding and non-breastfeeding postpartum women and children up to the age of five who were found to be at nutritional risk, received supplemental food, health-care referrals and nutrition education.[35] In October 2008, statistics cited by the Territory's First Lady indicated that one in every three young people in high school had had at least one alcoholic drink in the previous three days; one in five young males engaged in binge drinking; and one half of young males had been involved in a physical fight in the previous 12 months. Underage drinking had also led to an increase in school violence, aggression, bullying, teen depression and sometimes suicide. In fact, the First Lady pointed out, up to 30 per cent or almost one third of American Samoa's children were drinking before age 13 or by the time they reached the eighth grade.[36]

52. The main, semi-autonomous public hospital in the Territory, the Lyndon Baines Johnson Tropical Medical Center, has 150 beds and a staff of 25 physicians. Medical, dental and pharmaceutical services in the Territory are available 24 hours a day. In his state of the Territory address on 12 January 2009, the Governor announced that, dispensaries had been established in Ta'u and Ofu, providing services to the Manu'a Islands. As previously reported, off-island treatment is provided for serious cases including hospitalization in Hawaii, on the United States mainland or in New Zealand. On 9 October 2008, independent auditors gave an "unqualified" opinion on the Medical Center's audit of fiscal year 2007 (the standard "unqualified" report is regarded as a clean bill of health, wherein the auditor made no exceptions and inserted no qualifications in the report).[37]

E. Crime and the judiciary system

53. According to reports in the media, sexual abuse of minors is increasing every year in the Territory, with the vast majority of cases said to take place within families. The head of American Samoa's criminal investigation bureau has said that

[34] *Samoa News*, 6 February 2009.
[35] Ibid., 6 June 2008.
[36] Ibid., 15 October 2008.
[37] Ibid., 9 October 2008.

up to 90 per cent of child sex abuse cases in the Territory went unreported in 2007.[38] With regard to substance abuse, during the two-day American Samoa Youth Summit held in October 2008, Judge John L. Ward II said that the single biggest threat American Samoa had faced in the past two years was drug abuse.[39]

54. On judicial matters, as reported above, the Government Accountability Office conducted a comprehensive review of the judiciary system in American Samoa. In its report issued in June 2008 entitled "American Samoa: issues associated with potential changes to the current system for adjudicating matters of federal law", for which several federal agencies provided information, the Office identified three principal scenarios for the legal system in the Territory: establishing a federal district court pursuant to provisions of the United States Constitution; establishing a federal district court that would be a division of the federal court in Hawaii; or expanding the federal jurisdiction of the High Court of American Samoa.[6] At the same time, the report indicated that one argument against changing the current judiciary system in American Samoa was the concern that a federal court would possibly impinge upon local culture and traditions, as well as the rights and property of the American Samoan people.[40] After reviewing the report, Congressman Faleomavaega stated that the report was incomplete as it did not provide adequate cost and comparative analyses.[5]

55. In September 2008, the United States House of Representatives Subcommittee on Insular Affairs, Oceans and Wildlife held an oversight hearing on the Government Accountability Office report with written statements by Chief Justice F. Michael Kruse, Governor Togiola Tulafono, Senate President Lolo M. Moliga, House Speaker Savali Talavou Ale, and the representative of the United States Department of the Interior.[41] Chief Justice Kruse said a simple solution for consideration would be to have Congress or the Department of the Interior establish a federal prosecutor's office in the Territory to prosecute all criminal activity under either local or federal statutes, pursuant to applicable local procedures in the High Court. Governor Togiola emphasized that the protection of the matai and land tenure system was paramount. The Fono leaders supported continuing the present system; however, if federal intervention was inevitable, they recommended expanding the High Court's jurisdiction to hear federal cases. The acting director of the Office of Insular Affairs of the Department of the Interior said that the Department had no objection to a system that would more efficiently consider issues of federal law relating to American Samoa.[38]

VI. Environmental protection and disaster preparedness

56. The American Samoa Environmental Protection Agency is wholly funded by the United States Environmental Protection Agency (region 9) through a consolidated environmental program grant awarded by fiscal year budget period. In 2008, the consolidated grant consisted of the following categories of grant funding: Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, Clean Air Act, Federal Fungicide, Insecticide and Rodenticide Act and Beach

[38] *Atlantic Free Press*, 4 July 2008.
[39] *Samoa News*, 21 October 2008.
[40] Ibid., 2 July 2008.
[41] Ibid., 21 July 2008.

Grant Act. To be eligible to receive this funding, the American Samoa Protection Agency must meet specific environmental and technical mandates as set forth in United States Environmental Protection Agency law and regulations. The mission of the American Samoa Environmental Protection Agency is to protect human health and to safeguard the natural environment: air, water and land.[42]

57. Under the 1906 United States American Antiquities Act, on 6 January 2009 the administering Power established the Rose Atoll Marine National Monument in American Samoa, which encompasses 13,451 square miles designated as off-limits to commercial fishing and mineral exploration. Rose Atoll is a nesting spot for endangered green sea turtles and a stopover for several species of migratory birds.[43]

58. In terms of disaster preparedness, American Samoa has been allocated $1.85 million in federal grants from the United States Department of Homeland Security under the State Homeland Security Grant Program, which is aimed at enhancing local capabilities through planning, equipment, training and exercise activities. However, the funds cannot be used until the freeze on homeland security funds is lifted. The freeze followed an audit by the Office of the Inspector General of the Department of Homeland Security, in which several discrepancies were found in the way that the funds had been expended in previous years. The freeze has also halted the multimillion dollar Pago Pago stream renovation project, for which a grant was awarded some two years ago. The funding for that project came from the Federal Emergency Management Agency, which is now a bureau of the Department of Homeland Security.[44]

59. In October 2008, American Samoa participated in a Pacific-wide tsunami alert simulation, called the "Exercise Pacific Wave 08", sponsored by the United Nations Educational, Scientific and Culture Organization and the United States National Oceanic and Atmospheric Administration.[45]

VII. Relations with international organizations and partners

60. American Samoa has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988. International labour conventions and recommendations are applicable to it. The Territory belongs to various regional bodies of the United Nations system, including the World Health Organization (WHO), for which it falls under the Regional Office for the Western Pacific and the Western Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies.

61. American Samoa is a member of several regional organizations, including the South Pacific Commission, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association, the Asian South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, the South Pacific Regional Environment Programme, the South Pacific Applied Geoscience

[42] Website of the Government of American Samoa accessed at http://www.americansamoa.gov/departments/agencies/epa.htm on 6 February 2009.

[43] Radio New Zealand International, 13 May 2008; *Samoa News*, 29 August 2008; and http://www.doi.gov/oia/press/2009/01062009.html.

[44] *Samoa News*, 28 July 2008.

[45] Ibid., 23 October 2008.

Commission and the Council of Pacific Arts. It also belongs to United States organizations, such as the National and Western Governors' Conferences. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region.

62. As previously reported, in 2006 American Samoa withdrew its application to join the Pacific Islands Forum for observer status following opposition from the United States Department of State. No information on progress was reported on American Samoa joining the Forum as an associate member in 2008.

63. American Samoa is a member of the Secretariat of the Pacific Community.

VIII. Future status of the Territory

A. Position of the territorial Government

64. Section II of the present working paper reflects recent developments in American Samoa concerning its future political status.

B. Position of the administering Power

65. In a letter dated 2 November 2006 addressed to Congressman Faleomavaega, the United States Assistant Secretary of State for Legislative Affairs set forth the position of the Government of the United States on the status of American Samoa and other United States Insular Areas, which was considered equally valid for 2008. In his letter, the Assistant Secretary indicated that the status of the Insular Areas regarding their political relations with the federal Government was an internal United States issue, and not one that came under the purview of the Special Committee. The letter also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those Territories and no mandate to engage the United States in negotiations on their status. The letter further stated that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions, the federal Government did submit annual updates on United States Territories to the Special Committee as a demonstration of United States cooperation as an administering Power and to correct any errors in information that the Special Committee might have received from other sources.

C. Action by the General Assembly

66. On 5 December 2008, the General Assembly adopted, without a vote, resolutions 63/108 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/63/23) and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee) (see A/63/408). Section I of resolution 63/108 B concerns American Samoa. Under that section's operative paragraphs, the General Assembly:

1. *Welcomes* the work of the territorial Government and legislature with regard to the recommendations made by the Future Political Status Study Commission in preparation for a constitutional convention addressing issues related to the future status of American Samoa;

2. *Stresses* the importance of the invitation previously extended to the Special Committee by the Governor of American Samoa to send a visiting mission to the Territory, calls upon the administering Power to facilitate such a mission if the territorial Government so desires, and requests the Chairperson of the Special Committee to take all the necessary steps to that end;

3. *Requests* the administering Power to assist the Territory by facilitating its work concerning a public awareness programme recommended by the Future Political Status Study Commission in its 2007 report, consistent with Article 73 *b* of the Charter of the United Nations and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested.